

REMARKS/ARGUMENTS

Claims 8-14 have been cancelled without prejudice or disclaimer of the subject matter contained therein. Claims 1-7 remain in this application.

This Amendment is submitted in response to the Official Letter dated November 19, 2003. Favorable reconsideration of the application is respectfully requested.

1. **Declaration Under 37 CFR 1.132**

Applicants would like to clarify a statement made in the previously submitted declaration. The Declarant had stated that "Tsujimara and Dutschke disclose and teach half effective cutting and do not teach or suggest "all effective cutting" as claimed in the present invention." Applicants remain of the position that neither Tsujimara nor Dutschke teach or suggest "all effective cutting" as claimed and gratefully acknowledge the Examiner's suggestion to incorporate and preface all effective cutting as "single flute" all effective cutting. It is believed that this recitation further clarifies and distinguishes applicants' invention from the cited references.

Nonetheless, it is believed that additional explanation of the teachings of Dutschke and the Declarant's statement may be appropriate. Dutschke expressly teaches that the inserts are "in an arrangement of axially overlapping pairs". See Col. 1, line 15, et seq. Based upon this express statement, it is believed the Declarant opined that Dutschke teaches half effective cutting. Nonetheless, applicants must note that the drawing of Fig. 1a appears to show overlapping inserts within a single flute. Applicants are uncertain how the drawing is resolved with the express statement contained in the specification and whether the overlapping inserts function as an entire cutting edge let alone whether the axial rake angle of the inserts varies between flutes and within each flute as claimed. The foregoing statement is made in keeping with applicants' duty of candor and good faith to the Patent and Trademark Office. In the event the Examiner would like to discuss the matter further the Examiner is invited to telephone applicants' undersigned representative at his convenience.

2. **Section 112, 1st Paragraph, Rejection of Claims 1-14**

Claims 1-14 stand rejected as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In particular, the

Examiner stated that "all effective cutting" is not well defined. In response, Applicant has amended Claims 1 to recite "single flute all effective cutting" as suggested by the Examiner.

Withdrawal of the rejection is respectfully requested.

3. **Section 112, 2nd Paragraph, Rejection of Claims 8-14**

Claims 8-14 have been cancelled thereby obviating the rejection of Claims 8-14.

4. **Section 102(b) Rejection of Claims 1, 2, 6 and 7**

Claims 1, 2, 6 and 7 stand rejected under 35 U.S.C. 102(b) as being anticipated by Tsujimura et al. (4,844,666). The Office Action provides:

"Tsujimura et al. discloses the claimed invention comprising, a tool body having an outer surface thereon and a central axis therein and including at least a first (including 24a, see Fig. 15) and second (including 24b, see Fig. 15) spiraling flute in the outer surface, each flute including a plurality of inserts (24a, 24b, see Fig. 15) secured therein to define an axial rake angle, wherein the axial rake angle of the inserts (24a, 24b, see Fig. 15) varies between flutes (e.g., changing from a1 to a4), and within each flute (changing from a1, a2, to a3 for the flute having inserts 24a, see Fig. 15) to provide all effective cutting. Note as shown in Fig. 15, the combination of the cutting flutes (including flutes having 24a, 24b) provides all effective cutting.

Note Tsujimura et al. also discloses the limitations described:

in claim 2, all of the inserts (24a, 24b, see Fig. 15) on the entire tool body being identical;

in claim 6, the cutting edges on adjacent inserts (such as 24a, 24a, see Fig. 15) in any flute do not circumferentially overlap; and in claim 7, the inserts (24a, 24b, see Fig. 15) each having a cutting edge and the cutting edges on inserts with differing axial rake angles have differing cutting edge lengths as shown in Fig. 15."

Initially, in order for a reference to be an anticipatory reference, the reference must disclose each and every element of the claimed invention. It is respectfully submitted that Tsujimura does not teach or suggest all the elements recited in the claims.

The Tsujimura patent discloses a half effective cutting tool, i.e., two flutes in combination produce all effective cutting. The claimed invention relates to a single flute all effective cutting tool.

For at least these reasons, Claim 1 is allowable over the applied art. Claims 2, 6 and 7 depend from Claim 1 and are likewise allowable over the applied art for at least the same reasons described above for Claim 1. Withdrawal of the rejection is respectfully requested.

5. **Section 103(a) Rejection of Claims 3-5 and 8-14**

Claims 3-5 and 8-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Tsujimura et al. in view of Dutschke et al. (5,425,603). Claims 8-14 have been cancelled. Claims 3-5 depend from Claim 1 and are believed to be in condition for allowance for at least the same reasons as Claim 1 described above. For at least these reasons, Claims 3-5 are allowable over the applied art. Withdrawal of the rejection is respectfully requested.

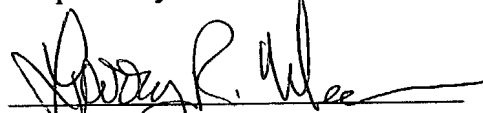
6. **Extension of Time**

Applicant(s) petition for an extension of time of three months and request that this be considered a petition therefor and that such fee be charged to Deposit Account No. 502867.

7. **Conclusion**

In view of the amendments and above remarks, it is believed that the application is in condition for allowance. Accordingly, an early Notice Of Allowance is respectfully requested.

Respectfully submitted,



Larry R. Meenan
Attorney for Applicant(s)
Reg. No. 33,423
Date: May 6, 2004

Kennametal Inc.
P. O. Box 231
Latrobe, PA 15650
(724) 539-5485 Phone
(724) 539-5903 Fax